

FORM TO BE USED BY PRISONERS IN THIS COMPLAINT
 UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983
 in the UNITED STATES DISTRICT COURT for the SOUTHERN DISTRICT of GEORGIA

Michael Gary Smith

(Enter above full name of plaintiff or plaintiffs)

5:15-CV-045

v. Murray Cheney

~~James E. F. F.~~ Marie Yawn

William C. Danforth,

Department of Correction, etc.

(Enter above full name of defendant or defendants)

I. Previous lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action? Yes ☐ No ☒

If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs: _____

Defendants: _____

2. Court (if federal court, name the district; if state court, name the county):

3. Docket number: _____

4. Name of judge assigned to case: _____

5. Disposition
(for example, was the case dismissed? appealed? is it still pending?):

6. Approximate date of filing lawsuit: _____

7. Approximate date of disposition: _____

8. Were you allowed to proceed *in forma pauperis* (without prepayment of fees)?
Yes ☒ No ☐

B. While incarcerated or detained in any facility, have you brought any lawsuits in federal court which deal with facts other than those involved in this action?
Yes ☒ No ☐

If your answer to B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to previous lawsuit:

Plaintiffs: Michael Gary Smith

Defendants: Clabby

2. Court (name the district):

Northern district of Georgia / Supreme

3. Docket number: 1:05-CV-00395-MSH

4. Name of judge assigned to case: ?

5. Disposition
(for example, was the case dismissed? appealed? is it still pending?):

Dismissed

6. Approximate date of filing lawsuit: March-18-2005

8. Were you allowed to proceed in *forma pauperis* (without prepayment of fees)? Yes ☒ No ☐

C. As to any lawsuit filed in federal court where you were allowed to proceed in *forma pauperis*, was any suit dismissed on the ground that it was frivolous, malicious, or failed to state a claim? Yes ☐ No ☐

1. If your answer to C is yes, name the court and docket number for each case:

<u>Northern distric of Georgia</u>	<u>1:05-cv-00395-MSH</u>
<u>Northern distric Georgia Supreme Court</u>	<u>1:04-cv-00350-MSH</u>
<u>Northern distric Georgia Supreme</u>	<u>1:04-cv-00115-MSH</u>
<u>Northern distric Georgia Supreme</u>	<u>1:07-cv-01303-MSH</u>

II. Place of present confinement: Telfair State Prison

A. Is there a prisoner grievance procedure in this institution? Yes ☒ No ☐

B. Did you present the facts relating to your complaint to the appropriate grievance committee? Yes ☒ No ☐

C. If your answer to B is yes:

1. What steps did you take? I have filed numerous of
grievances to Chief Counselor Clemon's, and
even written the warden personally at least
twice (two times).

2. What was the result? This institution refused to file
grievances.

3. Did you appeal any adverse decision to the highest level possible in the administrative procedure? Yes ☒ No ☐

If yes, what was the result? I have written the warden addressing the issue ~~the~~ medical refuse to treat me and that Chief Counselor is not filing my grievances.

- D. If you did not utilize the prison grievance procedure, explain why not: _____

IV. Parties

(In Item A below, list your name as plaintiff and current address. Provide the name and address of any additional plaintiffs on an attached sheet.)

- A. Name of plaintiff: Michael Gary Smith
Address: Telfair State Prison
P.O. Box 549
Helena, Ga 31037

(In Item B below, list the defendant's full name, position, place of employment, and current address. Provide the same information for any additional defendants in Item C below.)

- B. Name of defendant: Murray Cheney
Position: Doctor
Place of employment: 210 Longbridge Road
Current address: Helena, Ga 31037

- C. Additional defendants: ~~Brian Jones (PHN) at Helena State Prison~~
~~not given address for defendant~~ Marie Yawn
William C. Danfort
Laurie

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V. Statement of Claims

State here as briefly as possible the FACTS in your case. Describe how each defendant is personally involved in the depriving you of your rights. You must include relevant times, dates, places, and names of witnesses. DO NOT GIVE LEGAL ARGUMENTS OR CITE ANY CASES OR STATUTES. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

I am in ~~imminent~~ imminent danger for my life and safety in general, due to each day I am housed/imprisoned at Telfair State Prison, my health is gradually disintegrating because medical refuse to treat my illness which has worsened under being neglected. My skin is infected. I fear that gangrene will develop thus threatening my life. I have filed numerous of sick call requests, asking the medical department, to prescribe a medicated soap or medication lotion, to help my damage skin because the state soap (GCI) is too harsh for my flesh causing my skin to burn, break out in rashes, dry my skin until it start cracking and oozing an odorous puss. And the hard water only irritate my affliction. At one time, medical ordered a cream called "Triamcinolone Acetonide." They abruptly took me off. In a sick call request that I've filed 11-6-14, Marie Yawn, responded back Nov-12-14. " Tac is not for long term use. You need to use a lotion or a different soap." However, I informed medical that I am an indigent inmate I am not financially able to purchase any hygienic items from the prison Commissary. Yet medical continue to deny me medical treatment. I am being neglected treatment. On Aug-8-2014, I filed a sick call request, informing medical that since they took my soft shoe profile, when I arrived at Telfair State Prison, Jan-13-14, and was made forced to

wear the state boots, when they were aware of my feet condition, for 2 and a half months, have worsen the conditions of my feet. The prison Medical department, never had the right to rescind my shoe profile to be able to wear medical tennis shoes and not boots. I have a condition of fallen arches and bunions on both foot. So, I weren't supposed to made to wear boots. By me being forced to wear boots, have worsened my condition. I've had my soft shoe profile renewed since then, but the damage has already been done. I've asked in numerous sick call request to be seen by an orthopedic, due to my bones deformities has increased. When I walk, I feel sharp pain blossoms in the middle of my feet. Like each step I make, my muscles are being shredded. And I also advised medical in a sick call request, that it also feels like the ligaments that holds the back toe to the other bones are being frictioned away when I walk because I feel the bones rubbing against each other. My feet has swollen up so bad, that I couldn't walk from the fluid of inflammation of the joints. Yet, medical refuse to allow me to see an orthopedic. 8-4-14, a medical staff returned my sick call request, that I am scheduled to be seen. However, today is FEB-9-2015, and I have not seen an orthopedic. Medical will not help me. All they say, when I get out/release from prison I need to have surgery. I don't have to get out to have this surgery, conducted when the states are able to perform it while I'm incarcerated. I have 2 years left. That's a long time to put a surgery off. Plus, medical will not prescribed me with no kind of painkiller to help alleviate my pain and suffering. On Oct-6-14, I also advised medical (Marie Yawn), that I need high top shoes, due to low cut shoes do not support my feet condition. Oct-9-14, Marie Yawn, responded

back: " We don't issue high top shoes. All shoes are velcro. You can order shoes through Access Catalog. However, I am an indigent inmate. I cannot purchase no item from the prison commissary. Yet, medical neglect my physical illness in not prescribing me with the appropriate footwear that will correct / comfort my disability. On 9-22-14, I also filed a sick call request, stating that I need a pair of size $10\frac{1}{2}$, tennis shoes. 9-23-2014, R. Rowland (MRC), responded back. I only have a size 11 - will that work? I cannot even get a size shoe that rightfully fit.

Please help.
I've filed grievances. The warden said, I'll end up getting my head cracked open. I have been denied the right to attend general population because of grievances I've filed. I've been in segregation since oct-16-2014.

VI. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I want the court to instruct medical to schedule me
an appointment with a certified Dermatologist, to remedy my
current skin problems. And to prescribe a medicated soap
and lotion that will heal my damage skin from the state
task Soap (GCI).

I ask the court to also instruct Medical to set an ap-
pointment with an orthopedic, to determine the new
problem with my Feet, that arose from being forced to
wear unauthorize boots. To prescribe a painkiller to help
alleviate this excruciating pain.

And I ask to be awarded \$ 17,501. U.S.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 9 day of FE, 2015.

Prisoner No. 1092479

Michael G. Smith
(Signature of Plaintiff)